

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|-----------------------------------|---|-------------------------|
| BABYAGE.COM, INC., | : | |
| Plaintiff-Counterclaim Defendant | : | |
| | : | |
| v. | : | CIVIL ACTION NO. |
| | : | 3:07-cv-01600-ARC |
| LEACHCO, INC., | : | |
| Defendant-Counterclaim Plaintiff/ | : | |
| Third Party Plaintiff | : | Judge A. Richard Caputo |
| | : | |
| and | : | |
| | : | Filed Electronically |
| JAMIE S. LEACH, | : | |
| Counterclaim Plaintiff/ | : | |
| Third Party Plaintiff | : | |
| | : | |
| v. | : | |
| | : | |
| JOHN M. KIEFER, JR., | : | |
| Third Party Defendant | : | |

MOTION TO WITHDRAW AND REQUEST FOR
A THIRTY DAY EXTENSION OF TIME TO FILE
JOHN M. KIEFER, JR'S ANSWER

Counsel for Plaintiff / Counterclaim Defendant BabyAge.com, Inc. does hereby move this Honorable Court for leave to withdraw and for a thirty day extension of time for John M. Kiefer, Jr. to file his answer and in support thereof sets forth the following.

1. The above captioned matter relates to alleged patent infringement.

2. Defendant-Counterclaim Plaintiff/Third Party Plaintiff Leachco, Inc. (“Leachco”) and Counterclaim Plaintiff/Third Party Plaintiff Jamie S. Leach (“Leach”) have alleged willful infringement.
3. The undersigned counsel for Plaintiff / Counterclaim Defendant BabyAge.com, Inc. (“BabyAge”) has come to the determination that he will have to become a witness on behalf of both BabyAge and Third Party Defendant John M. Kiefer, Jr. (“Kiefer”) to give evidence as to their lack of willful intent.
4. Pursuant to Local Rule 43.1 the undersigned must withdraw as trial counsel.
5. Pursuant to Local Rule 83.15 leave of court is required.
6. Upon information and belief, Attorney Andrew J. Katsock will be entering his appearance on behalf of BabyAge and Kiefer.
7. Pending before the court are Leachco and Leach’s motion to strike BabyAge’s answer and BabyAge’s motion to amend its answer. Both motions have been fully briefed.
8. Kiefer’s answer to Leachco and Leach’s third party complaint is due January 7, 2008.

9. Substitute counsel has requested a thirty day extension to file Kiefer's answer.

10. Pursuant to Local Rule 7.5 a supporting brief is not required.

Wherefore, the undersigned respectfully requests that this Honorable Court grant 1) leave for withdrawal upon entry of substitute counsel and 2) a thirty day extension for Kiefer to file his answer.

Respectfully Submitted,

A handwritten signature in black ink that reads "Mitchell Smolow". The signature is written in a cursive, flowing style.

Mitchell A. Smolow
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Attorney for Plaintiff-Counterclaim Defendant

Date: January 3, 2008

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| v. | : | |
| | : | |
| JOHN M. KIEFER, JR., | : | |
| Third Party Defendant | : | |

ORDER

Upon Plaintiff / Counterclaim Defendant's motion, it is hereby ORDERED that Mitchell A. Smolow be granted leave to withdraw as counsel upon entry of substitute counsel and that John M Kiefer, Jr. be granted a thirty day extension to file his Answer.

A. Richard Caputo, J.

Dated: _____, 200_